

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Fourth Session
February 7, 2007**

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 8:04 a.m., on Wednesday, February 7, 2007, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Bernie Anderson, Chairman
Assemblyman William Horne, Vice Chairman
Assemblywoman Francis Allen
Assemblyman John C. Carpenter
Assemblyman Ty Cobb
Assemblyman Marcus Conklin
Assemblywoman Susan Gerhardt
Assemblyman Ed Goedhart
Assemblyman Garn Mabey
Assemblyman Mark Manendo
Assemblyman Harry Mortenson
Assemblyman John Ocegura
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom

STAFF MEMBERS PRESENT:

Paul Townsend, CPA, Legislative Auditor
Rocky Cooper, ASO, Legislative Auditor
Richard Neil, ASO, Legislative Auditor



Jennifer M. Chisel, Committee Policy Analyst
Risa Lang, Committee Counsel
Doreen Avila, Committee Secretary
Matt Mowbray, Committee Assistant

OTHERS PRESENT:

Glen Whorton, Director, Nevada Department of Corrections
Charles Schardin, Chief of Medical Fiscal Services, Nevada Department of Corrections
Lori Bagwell, Chief of Fiscal Services, Nevada Department of Corrections
Howard Skolnik, Deputy Director for Industrial Programs, Nevada Department of Corrections
Dorothy Nash Holmes, Deputy Director Correctional Programs, Nevada Department of Corrections
Lee Rowland, Staff Attorney, American Civil Liberties Union

Chairman Anderson:

Meeting called to order. [Roll called.]

Paul Townsend, Legislative Auditor, Audit Division, Legislative Counsel Bureau:

On my right is Rocky Cooper, who is the supervisor on inmate medical services audit. On my left is Rick Neil. He supervised the other two audits on Corrections: administration, and offender trust accounts. I would like to thank you for the opportunity to appear before you today and present these audits. They were first presented to the Audit Subcommittee on December 14 of last year. I would also like to point out that we have recently started another audit on the Department of Corrections, which will evaluate State correctional programs. This audit is the result of Assemblyman Horne's request to the Legislative Commission, on behalf of the Subcommittee to Study Sentencing and Pardons, and Parole and Probation. This request was approved by the Legislative Commission on December 7, and we are just starting that. I do not foresee us having that done during the session, but it will be available to you after that.

Chairman Anderson:

First of all, I want to thank you for the important part of legislative oversight functions that the Audit Division performs for all of us. It is a way for legislators to keep track, and your tracing of that is most helpful to the policy committees, and not just to the money committees.

Rocky Cooper, Audit Supervisor, Audit Division, Legislative Counsel Bureau:

I would like to begin on page 7 of the report of the Department of Corrections ([Exhibit C](#)), with some background information. The Department of Corrections is responsible for the supervision, custody, treatment, care, security, and discipline of all offenders sentenced to imprisonment in the State.

In Fiscal Year (FY) 2006, offenders were housed at 20 facilities. The department reported having an offender population of about 12,000. We have an exhibit on page 8 and that provides the number of offenders by each facility. The Department is required to provide medical services to its inmates. These services mainly include medical treatment, mental health, dental, and pharmacy. During FY 2006, the Department spent approximately \$35.9 million on medical services. Of this amount, about \$22.7 million was spent on personnel costs for 276 positions.

The Department maintains a pharmacy to supply the institutions with drugs for administering and dispensing to inmates. Prior to December 2005, the department had two pharmacies. One pharmacy was located in Carson City and the other in Indian Springs in southern Nevada. In December 2005, the two pharmacies were combined to create a central pharmacy in southern Nevada.

The central pharmacy operated with eight authorized full-time positions. Pharmacy costs totaled about \$5.1 million in FY 2006. We do have an exhibit on page 10, which shows the breakdown of some of those costs. As shown in this exhibit, the drug costs totaled about \$4.4 million. The pharmacy is responsible for filling drug orders from the institutions. This includes prescriptions ordered by physicians and psychiatrists, and requests for stock to replenish drug inventories maintained at the institutions.

On page 12, we have our scope and objective. This audit focused on pharmacy operations from July 2005 through March 2006, and through October 2006 to follow up on certain issues. Our objective was to evaluate the pharmacy's operations, including whether activities were carried out in accordance with applicable State laws, regulations, and policies.

Our findings begin on page 13. At the top of the page is our overall conclusion. The Department of Corrections has significant weaknesses in its pharmacy operations. These weaknesses involve key functions including controlling inventories, distributing drugs to institution medication rooms, and monitoring operations. For example, at the bottom of the page, the central pharmacy did not maintain adequate records to account for the use of all controlled substances distributed to the institutions. The pharmacy could not locate 54 of

165 controlled substance forms we tested. These forms, called the controlled substance record (CSR), are used by the pharmacy to distribute controlled substances to the institutions. Each CSR form serves as the inventory record to account for 25 doses of a drug. Both federal laws and State regulations require these records to be readily available.

We tested two samples of these CSR forms. The Department could not locate 14 of 100 CSR forms that our initial sample tested. At Southern Nevada Women's Correctional Center (SNWCC), all five CSR forms for phenobarbital were missing.

Because these CSR forms were missing, we expanded our testing. On September 15, we requested the Department provide an additional 65 forms issued to SNWCC. On October 6, the Department indicated it could not locate 40 of the 65 CSR forms. On October 18, we reported this inadequacy of fiscal records to the Governor, each member of the Legislature, and the director of the Department of Corrections. In addition, because of the potential for illegal acts, we notified the Attorney General.

After we completed our audit, the Department found most of the missing CSR forms. On November 9, 2006, the Department provided us with 50 of the 54 missing CSR forms. According to the department, four of the missing forms had been misfiled by the central pharmacy and the others misfiled at SNWCC.

In addition, documentation was not available showing the use or disposal of drugs for nine CSR forms issued to Ely State Prison in August and September 2004. Staff indicated the drugs were administered to inmates, but different records were completed and returned to the central pharmacy. However, the central pharmacy has never located these records.

Paul Townsend:

I have some additional information regarding this legislative audit. When the Department was unable to provide the missing documents to us, there were a large number of those that we considered an inadequacy of fiscal records. As Rocky mentioned, when we do encounter that, we are required to notify each member of the Legislature, the Governor, and, in this case, the Attorney General. The Attorney General then referred the matter over to the Department of Public Safety's Investigation Division because they do have an expertise in drug issues.

At the same point in time, the director of the Department of Corrections also requested an independent investigation be conducted. So an investigation was begun prior to the locating of the missing documents. While I have not received

a written report of the investigation, I have spoken with the investigators, and they have indicated that they have found no evidence of criminal activity or illegal diversion of drugs. That is additional information that I did want to pass on to you.

Chairman Anderson:

I think that is an important addition because of the concerns. I will mention that at the end of your presentation before the Department of Corrections comes up—we would be concerned about that particular issue and appreciate the auditors clarifying that point.

Rocky Cooper:

Continuing on page 15, the pharmacy did not maintain inventory records for its prescription drugs. Although several million dollars in drugs flow through the pharmacy each year, inventory records documenting additions, distributions, and inventory balances were not maintained. In addition to not maintaining inventory records, there was poor control over the drugs distributed to the institutions.

On page 16, neither the central pharmacy nor the institutions had adequate controls over drug stock. The central pharmacy did not track the amount of stock it distributed to institutions and the institutions did not adequately track quantities on hand. As a result, drugs were overstocked in the institution medication room, which contributes to waste from expired drugs.

Turning to page 18, we made five recommendations to improve controls over the drug inventories. The second section of the report addresses dispensing practices. On page 19, we found the central pharmacy was slow in dispensing drugs, at times taking more than four weeks to provide medications. We reviewed the turnaround time for 180 prescriptions. The turnaround time is the number of days from when the pharmacy received the prescription until the prescription was filled and delivered to the institution.

On page 19 you will see exhibit 6, which shows the estimated monthly turnaround time from July 2005 through March 2006. In this exhibit, it shows that the monthly average turnaround time ranged from 8 to 19 days. However, our testing did identify several prescriptions that took four weeks or longer to deliver. The increase in turnaround time resulted from consolidating the northern and southern pharmacies into one central pharmacy.

On pages 20 through 22, we noted other areas where efficiencies can be improved. On page 23, we made four recommendations to improve dispensing practices. Also, on page 23, the third section addresses monitoring activities

and management information. The pharmacy did not conduct required monthly inspections of institution medication rooms. We found only 5 of 96 required inspections were performed during FY 2006.

On page 24, we also found that the Department did not review and verify the accuracy of controlled substance inventory counts at each institution monthly, as required by Department regulation. On page 25, the Department lacked adequate management information to monitor pharmacy activities. Information on pharmacy operations was not consistent, complete, accurate, or readily available. For example, on page 27, we have an exhibit that shows the comparison of the methods used by the institutions to identify the number of inmates on medication. Because of the variety of different methods, the percent of inmates reported on medication would range from 12.8 percent to 76 percent.

On page 28, there are four recommendations to improve monitoring activities and management information. The last section of the report addresses the centralization of the pharmacy. The Department centralized its pharmacy operations at High Desert State Prison in December 2005, without adequately planning for the pharmacy's space needs, staff vacancies, meeting requirements, and other items. As a result, the pharmacy was not prepared to effectively handle its workload during and after centralization. This contributed to the increase in turnaround time previously discussed.

On page 30, changes in the Department's staffing ratio at the pharmacy would also improve efficiency. The central pharmacy uses higher-paying pharmacist positions to perform tasks that can be done by pharmacy technicians. We estimate the Department could save about \$130,000 annually by adjusting the ratio of pharmacist to pharmacy technician positions.

Turning to page 33, separation of duties is also needed. The central pharmacy has not adequately separated the duties of pharmacy staff in several areas. Separation of duties is important so that no one individual can control all key aspects of a transaction or event. On page 34, we made three recommendations to address issues resulting from centralization of pharmacy operations. Our report also contains several appendices, which begins with our Audit Methodology on page 35 and concludes with the Department's response to the audit which begins on 41.

Assemblywoman Gerhardt:

As it stands right now, what is the time lapse between when the doctor writes an order for a prescription for an inmate, and when the inmate actually receives that medication?

Rocky Cooper:

We did a follow-up of this area and we found that, in July 2006, it averaged seven days after the pharmacy was caught up with its operations in late 2006. They had it down to seven days, and that is how long it is going to take them since they centralized these activities. They ship these drugs through UPS and that takes about two to four days. That will be about the turnaround time.

Assemblywoman Gerhardt:

Has anyone compared or tracked inmate complaints in terms of missing prescriptions? My concern, of course, is that these drugs may have gotten into the population or never made it to the population. Has anybody taken a look at those inmate complaints or grievances?

Rocky Cooper:

I think the Department would have to answer the complaint issue. We were looking at the pharmacy operations. We did not look at whether each inmate was receiving those medications.

Assemblywoman Gerhardt:

Could anybody else respond to the question?

Chairman Anderson:

Ms. Gerhardt, recognizing that the auditor has one response, we will be listening to the correctional department members when they come up. That would be a question for them. We have three reports, and this is only part of the audit report. We will be hearing from other personnel from the Department of Corrections. The purpose of this was to prepare us to hear the report from the Department of Corrections, and they will have their statistical information, so I want you to hear the whole thing in one shot rather than in segments.

Assemblywoman Gerhardt:

I will hold that question until the next group comes up.

Assemblyman Carpenter:

Do you have an idea or opinion where they dispense these drugs from? Is it one central location? Do you know about the efficiency of it?

Rocky Cooper:

Right now the centralization is running like a mail-order pharmacy. You can save money by centralizing, but, again, you would have to ship. We looked at it from the standpoint of whether this centralization was properly planned, and it was not properly planned. We did not really take a position of whether it is a

good or bad practice to centralize. If they can get the drugs turned around timely, if they have adequate lead time to get the drugs there, and if they have adequate stock on hand, I think they could manage this with a centralized operation. I do know that they are also planning to request an automated pill machine. Those are very expensive, so centralizing would make sense. So we were looking at it from the planning standpoint.

Assemblyman Mabey:

What are you going to do to make sure that these recommendations are going to be implemented, so the next time we do an audit two years from now we do not hear the same, "we found these deficiencies so these are our recommendations"?

Paul Townsend:

What we have is an audit follow-up process that we will enter into. The Department has responded to our audit. They have accepted all of our recommendations and indicated some of the steps that they are going to take to correct these weaknesses. Statutes require that within 60 days they fill a plan of corrective action, and that will be due March 14 of this year. We will evaluate that plan of corrective action when it comes in and see if we have any concerns as to whether it adequately address our audit recommendations.

Six months after that, the Department of Administration will actually go out and review the status of the recommendation. They will look at policies and procedures that have been changed—they may even perform some testing—and then they will prepare a written report and indicate whether the recommendation, in their eyes, is fully or partially implemented or if there has been no action. At that point, the Department of Corrections will be invited to a meeting of the Audit Subcommittee where we will discuss that report. The Subcommittee will have an opportunity to ask them any questions that they may have, whether this has been corrected or not.

In this case, the Investigations Division of the Department of Public Safety has also indicated that they will make some recommendations because of the weaknesses in the process they saw. I am also going to keep in touch with them and see what recommendations they made, and then discuss that with the Department of Corrections as well. So we do go through a process and, if everything is not implemented by the time the six months report comes around, they will be invited back to subsequent meetings. So we will continue to monitor it until the situation is corrected. Hopefully it will be corrected long before that with the attention that this has received.

Richard Neil, Audit Supervisor, Audit Division, Legislative Counsel Bureau:

The first audit that I was going to talk about was the Corrections Administration audit. In this report we have some background information about the Department of Corrections. We indicate that actual expenditures for the Department for 2006 totaled \$225 million, with personnel costs accounting for 76 percent of the total. For FY 2006, the actual cost per offender was about \$18,600 annually or about \$51 per day. The legislatively-approved budget for FY 2006 included 2,655 full-time equivalent positions from 24 different budget accounts. This excludes the Prison Industries Fund and the Offenders' Store Fund, which do not receive any general fund appropriations.

On pages 7 and 8 ([Exhibit D](#)), we explained that the audit included a review of the Department activities of non-medical expenditures and accountability over property and equipment between July 1, 2004, and December 31, 2005. The objective of our audit was to evaluate the Department's financial and administrative activities, including whether activities were carried out in accordance with applicable State laws, regulations, policies, and procedures.

Our overall conclusion was that the Department of Corrections generally complied with laws, regulations, policies, and procedures significant to its financial and administrative activities. However, we know that there were some problems related to payroll, personnel requirements, and accountability over property and equipment.

To cover that first area, which was payroll, we noted that timesheets for Department employees contained errors resulting in both under- and overpayments to employees. In our review of 134 employees at five institutions, 7.5 percent had payment errors during the pay period tested. Most of the problems did occur at one institution, and errors range from 40 hours of shift differential being underpaid to an overpayment of 40 hours of overtime.

On page 10, we have an exhibit talking about those time-sheet errors in more detail. The next concern we had in regard to payroll was that overtime was not always approved in advance. We tested 36 employees who worked overtime and found 23 did not receive prior written approval. Chapter 284 of *Nevada Revised Statutes* (NRS) requires approval before overtime is worked. In this case, most of the problems were at SNWCC and the Casa Grande Transitional Center (SNRC).

Our third concern with regard to payroll was that the Department did not perform reconciliations to ensure time sheets were entered correctly into the State payroll system as required by Department procedures.

Without reconciliations, date entry errors may not be detected, which could result in incorrect payments to employees and errors in leave balances.

The second major area of concern is noted on page 12. There are three recommendations to improve the controls over payroll. The next area we talked about was variable work schedule agreements. The Department needs to obtain written agreements with custody staff working a variable work schedule: for example four 12-hour days in one week, two 12-hour days, and an 8-hour day in the second week.

In our testing we were unable to locate written agreements for about half of the employees working such a schedule, written agreements documenting employees' requests, management's approval to work a variable schedule, and an understanding of overtime rules applicable when working this schedule. Without signed agreements, the Department could potentially be liable for significant amounts of overtime. We noted in this area that, although laws do not require a variable work schedule agreement in writing, it is prudent business practice to do so because the agreement indicates the employee chose—and was approved by management—for that schedule. It also explains the overtime rules applicable to employees working that schedule, since normal overtime rules are not applicable. We had one recommendation in that area to help ensure written agreements between the department and staff are always entered into before working that variable schedule.

Next we talked about some personnel requirements that are not always followed; specifically, the Department did not complete performance evaluations required by State law for many of the employees tested. We reviewed personnel files for 128 employees at five institutions and found that 72—a little over a half—did not receive an evaluation in accordance with State law. Chapter 284 of NRS requires annual evaluations for employees in the classified service that have achieved permanent status. Furthermore, evaluations are required more frequently during an employee's probationary period. We have an exhibit on page 15 that has more details on the institutions and the number of evaluations that were not completed.

The next area concerns compensatory time agreements. The Department did not have written agreements with its employees to allow compensatory time in lieu of cash payment when overtime was worked. About half of the employees we tested had accrued compensatory time during the 18-month period tested. Of the 60 employees with comp time, none had entered into agreements with the Department. This is actually a requirement within the State personnel regulations. We had two recommendations in this area, which are on page 16.

The final area of this report talked about the controls over equipment. The Department did not perform an annual physical count of equipment at all of its locations in 2005 and 2006. In addition, inventory records were not always updated to reflect changes, such as additions, transfers, or dispositions of equipment. State laws require agencies to perform a physical count of their equipment annually and reconcile those results to State inventory records. In addition, State agencies are required to notify State Purchasing when changes occur. We explained that accurate records are needed to help safeguard State resources from loss or unauthorized use. We had three recommendations in this area, which are on page 18. The rest of our report had several appendices, including a State map on page 22 that shows the correctional facilities throughout the State.

Page 23 begins the agency's response to our audit and shows that they accepted all of our recommendations.

This concludes my presentation on the administration audit report.

Chairman Anderson:

Mr. Neil, I am a little concerned about the numbers. There seems to be a general compliance with audit recommendations from the previous audit, but we are missing a couple that they did not implement. Were you part of the first audit?

Rick Neil:

I was actually here, but not on that audit.

Chairman Anderson:

In reviewing, did you find that the three partially implemented recommendations related to time-sheet reconciliation, and again the same one relative to compensatory time agreement, in particular? Does this seem to be an ongoing problem? It was in the last audit.

Rick Neil:

To be honest, there is always the chance that, between audits, an agency can correct the problem. It has been a few years since our last audit; those problems could have popped back up again. It is really tough for us to know whether that problem continued throughout that whole gap between the last audit and the current audit. After we finish an audit we have a follow-up process that helps ensure that recommendations are implemented. As time goes on, processes can change.

Chairman Anderson:

Similarly, with the 200 locations of the Department of Corrections, equivalent inventory audits are always kind of unusual. Did you find this to be out of the ordinary for a large institution or pretty well compliant? I noticed that is also one of the ongoing inventory recommendations from the previous audit.

Rick Neil:

I would say that it is not that unusual for us to find problems with agencies not doing inventories of their equipment annually. That is fairly typical. With regard to what we found on this current audit, a physical count was done at most of the locations. Our concern was that it was not done at all the locations.

Paul Townsend:

I would like to point out that this is a finding that we have in a number of our audits. We have some concerns about the process as a whole, and the Legislative Commission has approved an audit of statewide controls for safeguarding equipment. Over the next interim, we are going to be looking at the whole State and see what can be done to help improve this process of tracking equipment and inventory. I think it needs to be looked at more inventively.

Rick Neil:

The next audit is of the Offender Trust Accounts ([Exhibit E](#)). We explained that offenders have a trust account opened when they entered the prison system. Each trust account has five sub-accounts and the offender's account balance is a combined total of all those sub-accounts. We further explain that the offender's money is reported in the State's accounting system in the prisoner's Personal Property Fund (PPF). As of the end of FY 2006, the PPF had a cash balance of about \$3.7 million. In FY 2006, the PPF had receipts of about \$16.7 million, all of which derived from gifts and inmate wages. The funds had disbursements of over \$16 million and are summarized on page 7 in exhibit 2. Some of those major disbursements coming from that Fund include reimbursement to the Department for room and board, restitution payments, and reimbursement for medical expenses.

We note that individual account transactions and balances are maintained in the Department's internal accounting system called the Inmate Banking System (IBS). Nevada Department of Corrections (NDOC) anticipates replacing this system with a module that will be integrated with the new system for inmate management. Our scope and objective of this audit was to focus on transactions involving offender trust accounts between July 1, 2004, and December 31, 2005. The objectives of our audit were to determine whether the Department accurately accounted for and properly safeguarded offender

trust accounts, and to determine whether the Department would recover the appropriate amounts from trust accounts for medical expenses and other assessments authorized by State laws, regulations, and policies.

Our overall conclusion, on page 9, explains that, although the Department accurately accounted for offender trust account transactions during the audit period, key reconciliations of the trust accounts were not always done timely or completely. Timely and complete reconciliations are needed to help ensure that errors or irregularities are detected and corrected promptly. In addition, we determined the Department recovered the appropriate amounts from trust accounts from medical expenses and other assessments authorized by State laws and regulations. Finally, although controls over the outside bank account used to disburse money from trust accounts are adequate, some enhancements are needed to further safeguard the funds.

I will briefly explain our conclusion. First, with the reconciliation process, we note that law requires an offender to deposit all money that he receives into this individual account in the PPF. However, the State's accounting system, the Integrated Financial System (IFS), is not set up to account for funds by individual offenders. Therefore, the Department of Corrections has developed this IBS to account for the individual transactions. We explain that reconciling offender funds recorded in the internal system to corresponding cash balances in the State's account system is a key control that helps reduce the risk of errors or misuse of funds by ensuring transactions are accurately recorded.

More specifically, with regard to reconciliations we noted, monthly reconciliations of trust accounts for FY 2005 were not complete, accurate, or fully documented. Specifically, the Department only had documentation that it performed reconciliations for four months in 2005. In addition, reconciliations had an average monthly unreconciled variance of almost \$100,000, indicating that the reconciliations were not complete.

The Department recognized that the reconciliation process needed improvement and decided to devote more resources to address the problems. These efforts improved the reconciliation process. However, not all of the problems have been identified and corrected. In addition, these efforts to correct past problems delayed completion of monthly reconciliations in FY 2006. We made three recommendations in this area to improve the reconciliation process and those are noted on page 12.

With regard to the outside bank account, by law the Department may allow an offender to expend money for personal needs. In addition, the law requires the Department to pay an offender, upon his release, the remaining balance in his

account. To accomplish this, the Department established an outside bank account to disburse money from offender trust accounts.

We have some control weaknesses with regard to this outside bank account: the Department did not always promptly remove employees as authorized check-signers when they were no longer in a position for that authority as warranted. The checks were not always issued sequentially, and lastly, checks were not always voided properly. We made three recommendations, and again this report has a few appendices as well, including the agency's response that begins on page 18. It shows the agency accepted all six of our recommendations.

Chairman Anderson:

The offender trust account is one of the complaints that we frequently hear about from the families of inmates. They indicate that they put or send money over to be deposited. Inmates work in different kinds of programs and receive compensation, such as fire safety and forest fires that they fight. Then they will leave a sizable amount of money, in terms of what a dollar is inside the prison, because the victims of crime have an opportunity for money. Did you see in your auditing practice any irregularities relative to balancing money that should be going to the victims of crime and money coming in from the programs or from families—the cash flow in and out of the system?

Rick Neil:

We looked at large numbers of transactions to make sure that they were appropriately recorded in the inmate accounts. We found no exceptions. Obviously, we did not look at 100 percent of the transactions, but we looked at several hundred, and we found they were all accurately accounted for. With regards to the deductions for assessments, like victims of crime, we found in all of the cases that those were handled correctly, partly because they have set up a computer program to handle this. They have good policies explaining what the rules are with regard to deductions. In terms of the order in which they come out of the paychecks, we found they were doing a good job with making the correct deductions.

Chairman Anderson:

That was the response that I was rather hoping for, but you never know what it is going to be. Thank you very much for raising our awareness of the fiscal issues.

Glen Whorton, Director, Nevada Department of Corrections:

If you like, we can respond to any questions regarding the audits rather than go into our generalized presentation for your new staff because I know that many of you have seen this many times.

Chairman Anderson:

First of all, we have four new members on this Committee and many of us have seen the presentations on and watch the development of different programs in the Department of Corrections.

Glen Whorton:

There was a question regarding concerns about inmates receiving medications given a seven-day turnaround for prescriptions? We do keep stock on hand at the institutions to immediately provide that in addition to having consolidated that pharmacy function in the southern part of the State. We have moved it from the High Desert State Prison to the Casa Grande Center in order to be closer to those transportation resources, so we are indeed acting as a mail-order pharmacy.

Most of our difficulties in that regard relate to information, which is typically what you find in large organizations. We have made attempts in the past to provide information systems and automated pharmacy operations, but, unfortunately, budget constraints have not allowed us to pursue those. As indicated by the auditors, we have accepted those, and we are moving ahead doing the best we can with the resources that we have.

Assemblywoman Gerhardt:

Are we getting grievances from inmates regarding medications? Has anybody done any kind of audit or check on that?

Glen Whorton:

We are getting grievances on medications, but, overwhelmingly, the grievances are not that the prescriptions are not given to the inmate, but that the prescription is not written by the doctor when an inmate wants a prescription, or they are given a prescription for one drug when they want something else. In other words, we have a population that is interested in self-medicating themselves. We will talk about that momentarily.

Assemblywoman Gerhardt:

But we do not have any kind of numbers about how many grievances?

Glen Whorton:

We do track our grievances in an automated fashion. We can go back and look at the last couple of years to look at our grievances. If you are specifically interested in that, we can provide that information.

Assemblywoman Gerhardt:

In light of what we are hearing with this audit, it might be good to hear the inmates' perspective, whether they are giving any input about missing medications.

Glen Whorton:

We can do that.

Chairman Anderson:

If I went to see a doctor, there would be a fairly high possibility of walking out the door with a sample of prescription medication. Obviously, that is not going to happen in your closed system, or at least we hope that it will not happen. One of the recommendations from the auditors dealt with the need for the prescription that is given out to have more information. Thinking of the marketability of the product inside that prison system from prisoner to prisoner, if they know potentially what the side effects are of a particular prescription, then it is going to increase its marketability within the system, and the opportunity for them to play games with it. I am trying to understand one of your recommendations here in terms of their audit medical services. Regarding the process of listing the information on the prescription, how are those commodities handled within your system? Which ones are procedural questions and which ones are truly security questions?

Glen Whorton:

That is a balance that we will have to strike, but I will tell you that our population is very sophisticated in terms of prescription drugs and their abuse. They know the side effects. They bring this knowledge into the system with them. They have a consultation when they are dealing with our medical staff, and they have direct access to our staff on a daily basis. In fact, we do have a chart ([Exhibit F](#)) that shows the delivery and accessibility of those contacts. We deliver our drugs, since we took general population, by way of what is called a "pill call." That process is supervised by medical staff, or it is physically delivered to them in their cells if they are in segregation. It is medically supervised.

If you go down to medication, page 41, you will see that we deliver a huge amount of medications, and this is just for the month of December. You are talking about 88 percent of the population that is getting some kind of

medication, or at least the men. It is a very complex and very broad system. If you look at clinic visits, you will see that the men of the entire male population visit at least once per month, and the women visit the clinic over three times per month. In terms of accessibility in talking about their drugs and health conditions, they certainly have that opportunity. In fact, I would venture to say that there are not many people in this room who have that kind of accessibility; who live within 300 or 400 yards of 24-hour medical supervision. The issue becomes, not necessarily individuals getting what they need as opposed to what they can get. They get what they want.

I am not sure if that answers your question, but I have obviously made exceptions to security issues for doctors going inside our institutions. I do not let PDAs (Personal Digital System) or cell phones go into our institutions. They are very dangerous. I do allow doctors to carry their PDAs because all of their drug interactions and everything are located in their pockets.

There were also discussions about the inventory. That particular process, on the audits and inventories, will be complete as of tomorrow. There were issues on payroll, in terms of variable shifts, and those agreements are completed. We had issues regarding work performance evaluations. There is no excuse for that, and I am very unhappy about that. I set a goal for everybody who had an overdue evaluation to be completed by the first of this month. At the present time, our personnel staff is determining whether or not that was accomplished. There will be consequences if that is not the case.

Chairman Anderson:

On page 27, on the very first audit that we looked at ([Exhibit C](#)), we see a table that shows 74 percent at Northern Nevada Correctional Center. Of that population, which of course is a smaller prison population than you have in the south, are they using medications in the medicated area? Nevada State Prison (NSP), which also has a small population and High Desert has 1,870 people, which is the highest. The centralization of the prescription procedure does not look to be exactly where your prison population is really located, at least the ones who have the need for medication. High Desert is, obviously, within a day's drive and presumably getting delivery; yet they talk about the week delay? I am surprised at the status of your prison population concentration.

Glen Whorton:

Mr. Chairman, you are talking averages, and those can be deceptive. The ones in the Las Vegas area get filled much quicker. Where you see this delivery slow down is to Ely State Prison and Wells. We never had pharmacy resources in those locations. They have always been mail orders: fill it, ship it, and drop it. Frankly, it is a very difficult thing to do for the Department of Corrections, and

we do the best we can. We have 21 facilities spread over a land mass the size of Great Britain, and we do not have the transportation infrastructure of Great Britain in this State. Placing our pharmacy in the south and centralizing it down there seemed to be the reasonable thing to do. The concentration of inmates are down in that region plus the fact that the overwhelming majority of our growth, in terms of new institutions and facilities, is also in the Las Vegas area.

Chairman Anderson:

Your audit seemed to be concerned with that particular question of consolidation. With the lack of planning of the staff, size, and deliverable needs of the facility that seemed to be a major issue. Trying to gain efficiency, we forgot about the fact that people cannot stand on top of each other. Although I know part of your population is often housed fairly close together, the working population has a different kind of need—the pharmaceutical and medical side, which is going to be a major criticism. Do you have a response relative to that particular part of the question—the planning and when you made the move of the pharmacy?

Glen Whorton:

I think that is fair criticism. I would say that, for the benefit of our current staff, that was not a function of the current management of the medical division. There is a different group of managers, and they were the ones who actually did the consolidation down at the Casa Grande facility. I think that you will find that that went much more smoothly. In fact, you have not heard anything about that. They actually did it again and did it better.

Chairman Anderson:

The medical division is one of the areas that I think we are going to see, unfortunately. It is a show point; therefore, easily demonstrated and of course there remains a big concern about drugs and alcohol inside the system. This is one of the places that Legislature would want to know about.

Assemblyman Carpenter:

How do you handle the medical situation in the conservation camps? Do you use local doctors? How do you do that?

Glen Whorton:

We do use local doctors. We have criteria for individuals who go to conservation camps in remote areas. They have to be in good health. They cannot have any chronic illness that will require medication that has to be delivered by medical staff. That is a much healthier population. The overwhelming majority of the issues that we have in terms of health with inmates in the conservation camps are injuries related to the job, recreation, or

something like that. They are not inmates with this kind of medication issue or chronic medical complaints. Those inmates do not go to camp. You will find many of those individuals at the Warm Springs Correctional Center. There are 510 minimum custody inmates and many of those individuals are not physically capable of performing out in those areas. It would be inappropriate to place them out there because of their backs, orthopedic problems, cardiac, or respiratory problems, but they are still suitable for that reduced level of supervision.

Assemblyman Carpenter:

Say that an inmate goes to the local doctor and he writes a prescription, does that drug then have to come out of the central or mail-order drug prescription? Can they get it at the local pharmacy? How does that work?

Glen Whorton:

No sir, they will get that from the local pharmacy, and there would be administrators on a temporary basis at the facility. If a chronic issue is discovered, they would be transported back to an institution where they have the medical support to deliver repeatedly. If it is just a temporary issue, such as the flu or cold, they get antibiotics from the local pharmacy.

Assemblyman Carpenter:

Have you ever looked at the cost between a local pharmacy versus mail-order prescriptions? If you make a contract with some pharmacy, say in Elko or Winnemucca, would they compete, price-wise, on what you are getting out of your mail-order pharmacy?

Chuck Schardin, Chief of Medical Fiscal Services, Nevada Department of Corrections:

With regards to drug costs at our central pharmacy, we purchase drugs through the Minnesota Multi-State Contracting Alliance for pharmaceuticals. It is a group-purchasing organization made up of 39 states. We do receive very good pricing for the drugs that we buy for the whole State system. With regards to setting up contracts with local pharmacists, it happens very infrequently. For the most part, we supply things like cold packs to the camps, so there is no need to go to a local pharmacy. Generally, the only time they are using drugs for a camp from a local pharmacy would be if they go to the emergency room, and there would be drugs prescribed. Then, when they come back, if they are fit enough to stay at camp, generally they are not on those drugs anymore. If they are not fit enough, then they go back to the gatekeeper institution, which would be one of the major institutions that is responsible for the medical care of that camp, where they would be treated with drugs from our system.

Assemblyman Goedhart:

To follow up Assemblyman Carpenter's question, it seems that sometimes, since we are in the business of housing those folks, our business is not really being a pharmacy as such. It sometimes seems that we could see what it would cost to outsource the procurement of those pharmaceuticals.

Glen Whorton:

In the past we have attempted to automate some of these functions and to do some of these kinds of things. The personnel issues behind that essentially have gotten us kicked out of the room. There is concern amongst the staff for losing jobs, and we have brought that up. It has not been approved, but we have attempted those kinds of efficiencies. Frankly, the Legislature, as a whole, just did not seem interested in it.

Chairman Anderson:

Written agreements and overtime seem to be an ongoing question in Corrections. Do we see a solution? Is there one that you are working on or thinking about working on? One that you hope to solve before you leave so that your colleague, who gets to step in there next, would not have to deal with it.

Glen Whorton:

Managing the staff of the Department is the most complex thing that we do. One would think that managing the inmates is difficult, but actually managing the staff and the resources is really what administrators do. In the past we have had difficulties with overtime. In response, we have developed an in-house information system that schedules staff and documents their time off. One of the difficulties that we had in relation to this audit was that the information system would gather information, and not put it in there until after it actually produced a time sheet—what they used to call the old BTA (time sheets). When that was produced, people would make changes by hand—they would write over it and sign it. So, the information system and what was submitted to payroll are different. One of the things that I did subsequent to the audit is not allow any handwritten corrections to any BTAs; everything goes to the information system now. That is the only way for proper documentation.

In terms of overtime, we had a relatively new staff. At the women's prison, they indicated that they had the most problems with pre-approving the overtime; that has been corrected. We have staff in there now and they have a lot more experience, so that is not a problem. You will, however, have instances in Corrections where overtime is accrued without pre-approval. That is just the nature of our business because we have emergencies that we have to respond to. We are making some progress there. I do not know that there is

going to be a total solution of this until the entire State government is on an information system where all of the time sheets are produced electronically.

Chairman Anderson:

Thank you. Your expertise is appreciated. Let us turn to your formal presentation.

Glen Whorton:

This is essentially the organization of the Department ([Exhibit F](#)). We are a constitutional organization, and we are governed by the Board of State Prison Commissioners, which is the Governor, Secretary of State, and Attorney General. The Department has a director that will soon be changed to Howard Skolnick, who is presently the director of Silver State Industries. He will become the Director of the Department on Friday the 16th of this month.

If you look to the left, you will see that we have a division of management responsible for managing the sentences and classification of the inmates, placing individuals throughout the Department in and out of various institutions and facilities. They are also responsible for the statistics and planning that take place in a centralized transportation of inmates. This is essentially a department-wide function. Howard Skolnick is responsible for the very successful prison industries program and has been with the Department for 20 years. He has extensive operational experience in corrections within the community and in institutions.

Next we have Support Services, and that is basically our fiscal division. Banking, inmate services, telephone systems, plant operations, and maintenance functions are headed by our deputy director. Next we have an inspector general. It shows that the inspector general is subordinate to me, but, in reality, the inspector general has the mandate to communicate directly with the director regarding any individual within the Department from the director on down in terms of misconduct or complaints.

We have Deputy Director for Correctional Programs Dorothy Nash Holmes. That entity provides counseling, education, chaplain services, and runs our reentry program. That is our newest division and was created two sessions ago. Greg Cox is Deputy Director for Operations. We basically have, throughout the State, nine institutions, ten camps, and two centers—one in Reno and one in Las Vegas. We have a personnel division that handles personnel functions and payroll statewide. Dr. Bruce Banister is head of our Medical Division, which offers pharmacies, psychiatry, medical and mental health, and dental functions.

At the Department of Prisons, we have a total in-house inmate population of 12,812 as of yesterday--11,746 of those inmates are men. That represents 91 percent of our inmate population. Nine percent of our inmate population is women, and that is about 1,104: I remember when we had approximately 25 female inmates in the department—25 to 1000. That is tremendous growth in the space of about 30 years.

Forty-nine percent, approximately half of our inmate population, come from minority population groups. On the average, their age is 36.6 years. Men are slightly higher—about 36.7 years, and women are slightly lower at 35.7 years. That is an age that has remained constant over time. You need to understand that this is an average; it does not describe an individual inmate. We have inmates that are elderly, and we have very young inmates. The average stay, meaning the amount of time that the average inmate has been in the Department not when they leave, is 3.3 years. That has remained relatively constant over time as well. Fifty-two percent of our entire population have prior felony convictions. Thirty-three percent of our population have prior Nevada felony convictions, not necessarily incarcerations in the Department of Corrections, but they do have prior felony convictions. About a third of them have been convicted in Nevada previously. We have 81 inmates on death row. That population has not increased over the last couple of years.

An interesting statistic is that 78 percent of our male population is considered to be Nevada residents. We take a more stringent view of what a resident of Nevada is; it is not that six-week definition. You have to have been in Nevada for at least a year because we assume that people with less than a year's residence really do not have a personal infrastructure in the State that would support the release. Eighty-six percent of the women are from Nevada. People used to say that we have an extremely large out-of-state population in our prisons, but essentially our people are from Nevada.

Forty percent of our male population has either serious drug abuse or drugs were a factor in their crime. That is an extremely stringent, rigid statistic, but I believe that when you include drugs and alcohol you, are probably looking at about 80 or 90 percent of the male population who have some kind of substance abuse problem that should be dealt with. For women, it is staggering: from just this very strict definition of serious abuse of drugs or having it as a factor in the offense, 72 percent of our women incarcerated have fit into the above category.

Recently, there has been much concern and talk about the use of methamphetamine amongst our population. Thirty-nine percent of our male population has at least tried meth. That does not necessarily mean it was a

problem, does not mean that they are in here for meth, and it does not mean that they are in here for any meth sales or possessions; it just means that they have used it. Sixty-three percent of the women fall into that category.

This chart up on the screen, gives you a comparison of the Department of Corrections to other correctional agencies nationwide. This is a 50-state chart. If you look under the first column where it shows "States," we rank 35th in the United States in terms of our State population. That means there are 34 states above us in population. Interestingly, if you look at the next column you will see that we rank 13th in terms of inmate population. That means we are incarcerating at a greater rate than other states, and that is validated by the next column. It indicates that there are only 11 states in the United States that have a higher incarceration rate than the State of Nevada. I talked to Jim Austin about this, the President of JFA Associates, who has done the population projections for the State for a couple of decades now. He says it is because of our high crime rate. If you actually look at the average incarceration rate across the United States, we are very close to the average, so this can be a little misleading: about 488 inmates per 100,000 of our State population.

One of the troubling issues about this is that, even though we have this relatively high inmate population, we have a relatively small inmate budget; we rank 33rd in the nation. Thirty-two states have a higher budget than we do, and that is because our cost per inmate is lower than in other states. If you look at the next column, we rank 39th. We have that low cost per inmate because of the incredibly high inmate-to-staff ratio. We rank 42nd in the United States, which means there are 41 states that have a lower inmate-to-staff ratio. They have a better staffing pattern than we do.

In the last biennium, our budget was \$516 million. For the next biennium, we are requesting \$634 million. That is a \$118 million increase between the current and next bienniums. The total cost per inmate is currently \$19,226. That is \$52.92 per day. In FY 2008 we are projecting \$20,636 and in FY 2009, \$21,982. The incremental cost of housing an inmate in the Department of Corrections is \$2,346 a year. Incremental costs such as food, clothing, medical...those kinds of issues. We feed an inmate in this department for \$2.15 a day. We are very efficient.

Since that audit, we have changed the previous number of staff recorded for NDOC with the addition of SNCC. Our authorized positions within the department are 2,872. Our staff represents 17 percent of all State employees, so we are an extremely large organization in that regard. We have 2,638 of those positions filled. Presently, if you look at that inmate-to-staff ratio, we have 4.9 inmates for every employee of the Department of Prisons.

The troubling part of this is that in 1986, 20 years ago, our inmate-to-staff ratio was 4.056 to 1. In fact, our inmate-to-staff ratio today is worse than it was 20 years ago. The business of corrections is much more complex today than it was in 1986. Our authorized positions, for specifically correctional officers, meaning sergeants, lieutenants, senior correctional officers, and correctional officers, is 1,857.

We have had some changes and some progress in the Department of Corrections. Over the last couple of years, we have opened two facilities. Everybody is aware of Casa Grande, our reentry center in Las Vegas, and we have also reopened the SNCC as a youthful facility down in Jean, Nevada. We have revised the policies of the Department of Corrections; we have completely rewritten the entire body of policies. It was a major effort over the last 16 months to get this done, and it was basically in response to the next item up there—the development of a complete and comprehensive information system. We are going to change our business practices; our old policy was very much procedural as opposed to being simply policy. We have simplified it and brought it up to date. Much of it is at the Attorney General's office being reviewed to make sure that it corresponds with statutory law. That will be developing over time and all the present commissioners will be approving those practices in the future.

I have indicated in the information system that we have an appropriation just over \$11 million to design and implement. We are taking a very vanilla implementation here, meaning that we will be adjusting to the information system somewhat, as opposed to adjusting and designing an information system to fit our current business practices. It is going to be a little difficult for staff, but we need this and we need it now because our current information system is dying. We are going to wake up one morning and it is not going to work. We expect to have this new system implemented by June; it is on schedule, and it is on budget.

With the last ballot question in November regarding clean air in public places, we are going to adjust our policy to eliminate smoking from inside our buildings. This is an important issue for inmates and staff, but that will be done. If you look at the population growth of the men inside of our institutions, you will see that it is relatively dramatic from 1989. If you look back at 1998 and 1999, we had slight decline. We had reasonable steady growth in the early part of this century, but, within the last couple of years, it has spiked upward. In the next slide, you will see the percent increase and fluctuation: of the population here 12 percent back in 1994 to 8.3 percent just this last year. Over the last 15 years, the percent of increase for the male population growth has been five percent per year. For the last ten years, it has been 4.73 percent—close, but a

little bit smaller. The growth of the State population, within the last ten years is about four percent, so we are growing a little faster than the population in the community. This is the current population projection on which we based planning. It is a relatively stable slope that projects a 4.8 percent growth rate throughout the 10-year life of the projection given the fact that we have grown at 4.73: in the last 10 years 4.8 percent, 5 percent in the last 15 years, and 8 percent in the last year. This is a conservative estimate of what the population could be. It could be worse, but we hope it could be better.

If you look at the actual projection performance, based upon what we were planning for this current biennium—that was 2005—there was a 3.67 percent growth, and we actually had 5.29 percent. We were projecting in 2006 to grow 3.33 percent, and we grew at 8.4 percent. That is putting a lot of stress on the Department because we are not prepared for these people. We are experiencing a definite increase of our inmate population overall; if you just look at the institutional populations, we are populating those places at 168 percent of their design capacity. Some of them are higher than that. High Desert State Prison is up to 180 percent and that is the largest and highest of our male institutions. The really troubling statistic here is that we are operating the women's prison at 206 percent of its designed capacity. It is worse when you figure that I have 80 medium-security female inmates housed in a male institution at the present time. The female population is just blowing through the roof, and that is the experience of many correctional jurisdictions in the country.

This chart basically shows you that slope of the projection. There is a large bump in 2006, but generally stable slope going up. This is the female in-house population. This will show you the difficulty that we have in projecting female populations. It has always been like this—this up and down nature, and the dramatic changes that exist. You will see four declines in the population. You see these huge spikes and the frightening thing is just to the right-hand side of the chart: spike that we are experiencing now. That is indicative of our increased and very much overcrowded population.

This chart shows the yearly percent increase that we have experienced going back to 1994. Again, the scary part of this is last year when we grew 18.6. We were projected to grow 4.22 percent in 2005, but we actually grew 6.22 percent. In 2006 we were projected to grow 3.24 percent, and, again, we grew over 17 percent. Probably by the end of FY 2006 you will see some issues develop with the Department in terms of staffing and overtime. I may have mentioned this to money committees: Nevada is burning the corrections candle at both ends. We have relatively small infrastructure housing, we have inflated inmate population, and we have a small staff—not a good situation to

be in. Frankly, without being funny, I do not envy my successor Mr. Skolnik and the challenges that face him in managing this Department.

This is the female population projection that we are working on. Again, the average percent increase for this projection is 6.25 percent per year. Over the last ten years we have grown 8 percent, so this is a very conservative estimate of what the needs of the Department are going to be. We will be receiving another estimate of the population; that should be available next month.

This is the offense distribution for the male in-house population. This is interesting because, Mr. Chairman, going back to truth in sentencing in the 1995 Legislature, we have here the distribution of the offense groups of 1994 before we brought that online. You will see that the sex offenders have stayed relatively the same. We have a hardening of the population with an increase in violent offenders up from 36 to 40 percent. Interestingly, we have declined in property offenders, but an increase in drug offenders. Drugs are having a tremendous influence on the population as do the violent offenders.

This is the female offense group distribution. It is a little bit different, but relatively the same: a relatively small increase in the violent offenders and a decline in property offenders; although, property offenses are a much larger percentage of the inmate population than they are for men. Again, there is an increase in the drug offenses.

People are always talking about minimum custody, and they wonder if we are doing classification appropriately. This is an attempt to demonstrate the components of the minimum custody of population by offense group. These are the individuals who are currently on minimum custody in our camps, and at our restitution centers, and in reentry centers. You will see there is nothing there for sex offenders. Sex offenders are excluded by statute from minimum custody. People always believe persons on minimum custody are nonviolent individuals. If you look at this particular column, you will see that 27 percent of our camp populations are violent offenders. Mostly they are drug and property offenders. Also, there are a large percentage of DUI offenders, but we do have violent offenders in our camps. We also have them in our reentry centers, but not to the same degree that we do in our camp population.

This chart shows our planning process, the projected population, and the increase in the design capacity of the Department. As we plan for the housing of inmates, we never plan to use institutions at their designed capacity; we always use them at something more than that. We generally like to operate no more than about 140 to 150 percent to keep some flexibility, and, again, we are up to about 168 percent in our institutions at this point.

This is our planning for our female population. You will see the jumps there; they have become a little bit larger in relation to the population. That is because of trying to house them in a deliberate way.

Chairman Anderson:

There seems to be an error—going back to that slide, what is the base line here?

Glen Whorton:

Essentially, this is our 10-year plan. It is starting from the current year and going forward from here.

Chairman Anderson:

I did not know why they were not starting at 2005 or 2006?

Glen Whorton:

They start at 2006.

This is basically our male CIP (Capital Improvement Plan), and if you look at FY 2008, we are proposing to open three units. Those are module units with 240 beds each. We are asking for those in front of the money committees in one shot, and we are asking for beds as an early bill to get some immediate relief for our overcrowding for FY 2009. We have High Desert phase four, which is two units currently funded, but we are having some difficulties with the bids. The bids came in higher than the allocation, so public works is working to get that squared away, and they will be making some representation in front of Finance Committee to get that done. We want to bring that on in 2008. We are asking for an early bill in this session for two more units at High Desert. That would be the last that we would build in that particular institution. We are also asking for an early bill for 192 beds at the Indian Springs Conservation Camp. These are minimum custody beds and would essentially serve as a prototype for any further minimum custody construction in the future—a very nice, efficient, and durable facility. We are asking for the large institutions: Prison 8 in FY 2012, Prison 9 in FY 2013, and Prison 10 in FY 2015. These are the out years to accommodate the medium-and-close custody beds. Interestingly, down in FY 2012, you see that little block down there for RMF? That is a Regional Medical Facility for the south and we need that today, but this is the earliest that we can bring it on.

This is the CIP plan for the women. We are also requesting an early bill for 240 at the women's prison module unit, so that we can reduce the overcrowding of the women and get them out of the SNCC, so that SNCC has a more appropriate environment. We are also asking for an early bill for the

construction of 400 additional beds at the women's prison—we want that done as soon as possible, given the overcrowding. One hundred of those beds will be reentry beds, community beds, so that we can have the same reentry program for women in a similar kind of facility as we do for the men at Casa Grande.

Chairman Anderson:

What is the bed capacity currently of the overall system if every bed were filled?

Glen Whorton:

We are using some unconventional housing for the women. We have taken some program space, which is how we reached 200 percent at the women's facility. We have them in an area adjacent to the gym, which is not suitable as far as I am concerned. We are putting male inmates in program and meeting rooms at the institutions. We have increased the double bunking at the Ely State Prison, maximum security prison, which is a very troubling thing to do. My expectation is that there will be an increase in problems with security because we are housing people in areas that were not designed to house inmates. What you can actually put into these institutions is going to depend upon how far everybody is willing to increase this (housing) before they start doing things like sending them out-of-state or doing something about keeping them from coming through the front door.

Chairman Anderson:

As you well know, as a school teacher I served on facility and school-capacity committees for many years. I realized that you build schools to take care of a certain number of students adequately housed in proper classrooms with proper areas of instruction. Then you put more desks in that room...and you put *more* desks in that room...and then you can give up the instructional space and put even more desks in that room. Pretty soon you cannot get from the front of the room to the back of the room, but there is a desk for every kid. Looking at the design capacity of the prison system, as it currently stands, at the differences of the prison population—male and female, hard offenders, medium offenders, and bed capacity compared to prison population, what would be the safest capacity level with maximum filled but not standing on top of each other, and not rolling over in the middle of the night and bumping into each other?

Glen Whorton:

That is a hard question. I have to tell you that I believe we are at the threshold of our capacity in terms of having a safe and constitutional level of incarceration. I believe that we are in the initial stages of the problem that you see in the State of California. I would not want to be in charge of an

organization that went much farther than we are now. To do that would bring on more instances of violence. It would diminish the safety of the inmate population, the staff, and the community. It will engender judicial intervention that could be extremely costly to the State. This is an issue that cannot be ignored. If the wish is to cram these places as full as you can get them, then there are consequences. We are in the beginning stages. In terms of how far you can go: we can take every classroom, every gym, every program room, I can close down dining halls at the High Desert State Prison, we can start pulling out prison industries, and we can start housing inmates into open industrial bays. We can do all that, but I would not want to be in charge of it.

Chairman Anderson:

The design capacity of the prison system is 8,679 beds?

Glen Whorton:

Yes. Perhaps I should explain this. This means that there are 8,679 cells. When we construct our institution we generally put two beds in each of those cells, so this is a single cell, which is ideal. For the dormitories we have taken the American Correctional Association (ACA) standard for open space and applied it to that dormitory to determine, and what the design capacity of that dormitory should be.

Chairman Anderson:

How long ago was it that the Nevada Correctional System was under court mandate to solve this problem? Was it several sessions ago?

Glen Whorton:

Yes.

Chairman Anderson:

I am thinking that it was in the early 1990s. It seems to me that we were at court-mandated capacity at some of the prison facilities.

Glen Whorton:

Mr. Chairman, we were only mandated to have a certain capacity at Northern Nevada Correctional Center, and that was only on units one through three. We were allowed to increase the capacity of those facilities if we provided additional staffing. We are currently not under that court order at this point in time.

Chairman Anderson:

You were here when this was taking place and, therefore, I am going to ask you, and you may be brutally honest if you wish: How close do you think we are to stepping into that dark area that is going to trigger a court response?

Glen Whorton:

Looking at that chart where we have those three units, if those do not come online as scheduled, we can be there within the next year.

Assemblyman Carpenter:

Will you explain to me what the duties of the inspector general are?

Glen Whorton:

The inspector general is the investigator for the Department who look into inmate misconduct and violations of the law. They are also our regulatory branch who looks into health and safety issues.

Assemblyman Carpenter:

Are they understaffed?

Glen Whorton:

Absolutely. We are making a budget request for additional investigators. Given the flexibility and the lack of a spending cap, I would ask for significantly more than that. They have a tremendous caseload. We have the large population and a relatively small staff, so we are understaffed and have delays. One of the difficulties they have is the constant change of priorities from this investigation to something that has a higher priority. It is a very difficult job to do. We are really fortunate to have an inspector general who is an absolute professional, a retired and renowned Los Angeles Police Department homicide detective.

Assemblyman Carpenter:

If they find something that they think is serious, do they hand it off to the Attorney General?

Glen Whorton:

Yes. We make submittals to the Attorney General of the Criminal Division all the time.

Assemblyman Carpenter:

I see on your plan here that you are talking about building a couple of new camps for the male population and maybe one new camp for females. Do you have any idea where they might be?

Glen Whorton:

We have not sited an FY 2014 and FY 2017. We have not looked at whether male camps are going to be an extension or an increase on an existing facility. For the women's camp, we are looking at the Jean property in southern Nevada.

Assemblyman Manendo:

Is there more than one type of Casa Grande—type facility?

Glen Whorton:

We do have the Northern Nevada Restitution Center, which we are operating now under the regulation provided for the reentry process. Basically, we have two. We have about 80 inmates in Reno and the Casa Grande facility down in Las Vegas. Part of that 400-bed expansion for the women, 100 of those beds will be a reentry facility.

Assemblyman Manendo:

How many beds are in the Las Vegas facility?

Glen Whorton:

Four hundred.

Assemblyman Manendo:

Wow. It does not seem that big. What is your honest assessment of that?

Glen Whorton:

That was a process that was overdue in this Department. We very much needed a reentry process. My predecessor, Director Crawford, was very much interested in that, and she was the motivation behind it. As I have told the money committees when it first came up, I believe this is essential to getting inmates back into the community. Whether or not we have too many beds down there, we function at about 200 at this point. We do not have that full, but I wish it was; however, classification just does not allow us to get that thing filled. Currently, we are in the process of working with the Division of Parole and Probation to develop what is essentially a halfway-back process, so that we can keep probation or parole violators who have something less than a substantial violation. Instead of sending them back to prison, put them back into our facility and they can pay their way; they can look for a job, and they can get the same reentry resources as our other inmates, perhaps slowing down those folks coming through the front door. I think that is a much better way of doing our business, so I am in agreement with the reentry process.

Assemblyman Manendo:

Obviously, there is no need right now for another male facility like that since it is not at capacity. What does it cost per inmate to run that facility?

Glen Whorton:

Lori Bagwell, our Chief of Fiscal Services, can provide you with that, but I can tell you that once an inmate gets a job, he is obligated to pay about \$16 a day for his maintenance in that facility.

Lori Bagwell, Chief of Fiscal Services, Nevada Department of Corrections:

The inmate cost is \$16.35 per day for their stay.

Assemblyman Manendo:

And the total cost then?

Lori Bagwell:

It runs around \$22, but again it depends on how full the facility is.

Assemblyman Manendo:

Do you see any problems? Obviously, we have had some inmates walking away and not returning. That was an issue in my district where the county wanted to build a misdemeanor facility. The residents talked about whether it was to be minimal security and that the inmates were walking away. What is happening with that? What is the ratio? Does it happen often? I know there have been several.

Glen Whorton:

There have been many. In 2006, there were 39 individuals who walked away from the facility. All but one of them are back in custody. That walk-away rate has slowed down as the staff became more experienced recognizing individuals with problems. The inmates came to understand that the Department of Corrections and the Attorney General's office have a zero tolerance for that kind of behavior, and are being prosecuted for that. So the inmates are getting the word. I believe, in talking to the institutional staff down there that inmates getting out and suddenly having some freedom and getting involved in drugs contribute to a lot of that (walk-away). Many of these walk-a-ways were instances where people walked out, used controlled substances, or got drunk, woke up, sobered up, and came back.

Assemblyman Manendo:

Are they allowed to stay then?

Glen Whorton:

No, they are not.

Assemblyman Manendo:

I did not think so. I really believe in this type of facility and this type of incarceration, bringing the inmates back and getting them involved into the community. It is sad to see; I have heard of even one or two days away from getting released that some have walked away. I do not know about the drinking and other stuff, but they just did not come back. Whatever we can do to keep them there because they are just a day or two away then they have to start all over again.

Glen Whorton:

We work with our staff in terms of recognizing the signs of that, and how we can intervene. We have frank discussions with inmates as a group. From my standpoint, walk-a-ways are the cost of doing business. If you have not walked away, then your classification system is way too tight. You can have too many, and we try to diminish the risk and that is what classification instruments are for. They have done a great job with that. We have to have that reentry process, I believe. That is appropriate correctional policy.

Assemblyman Ohrenschall:

Is there a medicine that a doctor wishes to prescribe that might not be in the formulary they use, is there a method for the inmate to still get the medicine? Or is the doctor very limited in what he is allowed to prescribe?

Chuck Schardin:

Yes, the doctors have a method. They use the formulary, which is pretty complete; however, there are instances where the formulary may not cover a particular medication. It is handled on a case by case basis. Usually it is for a set time period.

Assemblyman Ohrenschall:

Are there any classes of medications that are excluded wholesale like medicines for depression? Is there anything that is just considered an elective?

Chuck Schardin:

Not that I am aware of.

Assemblyman Mabey:

During the campaign season, I heard it said that, because California has the three strikes and you are out, or after two strikes, many California inmates will move to Nevada to live because they know that if they get another one in

California they are out. I am curious if some of our out-of-state inmates are in prison because of that. How many illegal immigrants do we have in our prisons?

Glen Whorton:

I do not have that off the top of my head, but we can get that if you are interested. In terms of the three strikes, we have considered that and we have heard that, too. We do not see that as a major element of our growth given the relatively high percentage of local folks that are coming to the institutions. There are some of those kinds of individuals, but persons who are committed to that criminal lifestyle are not really thinking about the three strikes law when they make their housing decisions.

Lori Bagwell:

We currently have approximately 2,400 inmates submitted for undocumented status. We do not have a confirmation back from the federal government on that yet.

Chairman Anderson:

How are you going about identifying whether the inmate is undocumented? You cannot always tell by surname. When looking at the 2,400 numbers, how did you determine that status? If I have a brogue, are you going to check my Irish background?

Lori Bagwell:

No, sir. The Department of Corrections' procedure includes the documentation of your social security card, birth certificates, and records of that nature, as well as the state you said you were born in. Anything that we cannot document for the status—many inmates actually tell us the truth—that they are undocumented. That information is then submitted through a program with the federal government that actually will validate that status.

Chairman Anderson:

So, again, we run through the criminal history repository?

Lori Bagwell:

No. It is actually a program that the federal government has with Homeland Security, where this information is submitted, too. Then they return a tape to us each year and provide us the documentation status.

Assemblyman Segerblom:

Is there an accreditation process for prisons?

Glen Whorton:

There is an accreditation process. The American Correctional Association has an accreditation program that provides mandatory standards and optional standards. There is a cost and, to a large degree, we have crafted our policy to conform to those standards. However, previously there were discussions by Director Crawford about becoming accredited, but that was not pursued because of the cost. There was not an appropriation forthcoming. The only component of our organization that has been accredited is Silver State Industries, Prison Industries. They were accredited at one point, but not now.

Assemblyman Segerblom:

Have you ever looked to compare the accreditation standards with your standards, as far as inmate ratios?

Glen Whorton:

They are not that specific, and that is the interesting part about it. They do have a space standard, but there is not a standard for staffing ratios; for instance, there is no overall staffing kind of thing for that. Because everybody understands that, to some degree, staffing is a function of architecture and the type housed within that architecture, there are just too many variables to pin it down.

Assemblyman Segerblom:

Did I hear correctly—you said the ratio is four inmates to one staff person?

Glen Whorton:

Yes, 4.88 inmates to 1 staff person.

Assemblyman Segerblom:

And that is normal?

Glen Whorton:

That is what we have.

Assemblyman Segerblom:

But you prefer to have it lower?

Glen Whorton:

Absolutely, and it has been lower in the past.

Chairman Anderson:

I know that you are involved in the prison end of the prison population questions of correctional institutions nationally. What percentage would you say of state institutions meet the accreditation requirements?

Glen Whorton:

Howard Skolnik thinks the majority, but I do not know. When I talk to other directors, they have the same issues that we have. An accreditation does not obviate the problems that we experience now in terms of crowding. You get a temporary accreditation, in a year you get a follow up, then you get a permanent one and it comes and it goes.

Chairman Anderson:

My institutional frame of reference is dramatically different than yours. Suppose you were to meet the Northwest Accreditation Standards, then when you put a kid out the door with a degree in his hand, it does not count for anything. The question is when you put a person in and send him out the door from corrections, you would like it to say that it took; that is, they have been corrected. The next group that we are going to hear from will deal with that particular part of the issue because that is the value judgment they get to make.

Glen Whorton:

I think that is a very optimistic expectation, Mr. Chairman, given the kinds of resources that we have. We would all like to be a Department of Corrections, but, unfortunately, you are right. It does not 'take' in many cases. Howard is at the table, and he can speak specifically about accreditation and some of the costs.

Howard Skolnik, Deputy Director for Industrial Programs, Nevada Department of Corrections:

Prison industries went through the accreditation process approximately five years ago. That process, up front, only cost us \$6,000 to the American Correctional Association to provide for their staff to come out and assist us, then for their auditors to come out and audit us. Internally, we probably expended close to \$100,000 coming into compliance with the mandatory standards, particularly those governing safety, health, tool control, and key control areas that had not been a direct concern to prison industries prior to that. Although the front money is not that great, the reality of bringing all the areas into compliance, and even the non-mandatory standards require at least 90 percent compliance to become accredited, that is where the real costs start to materialize.

Chairman Anderson:

It is an interesting scenario, question, and a problem that you get to deal with when you change titles here in a few weeks.

Assemblyman Horne:

My concern on the accreditation—particularly facility wise—is that there has been a history of litigation for overcrowding, the remedy for which has been oftentimes the releasing of inmates. I do not know if accreditation has been an issue in those lawsuits in determining the functions of the facility as to whether or not they are in compliance. Secondly, as opposed to the industries, when you have an accreditation and then you no longer have it, if that becomes an issue in litigation because of fiscal reasons, no longer achieve a standard. Do you understand what I am saying?

Howard Skolnik:

I do. Up to this point there has been no negative impact from not reaccrediting the operation. We have maintained the operation at the level of the standards we have just chosen. We never had the staff to do the process. We had to pull staff off of other duties to supervise the accreditation process, and it was just an administrative decision not to do that again at this time. We had other priorities in terms of profitability and some other issues that needed to be addressed. But we still comply with the basic core of standards that we were required to meet.

Glen Whorton:

In terms of the influence of accreditation on litigation, it has the tendency to reduce litigation because the judiciary looks at that as a benchmark with which to compare the operation of your institutions with some kind of standard. It is obviously going to help. There is no requirement for anybody to be accredited, and that has been the posture of that State, given the cost it would take for compliance. But it would help.

Chairman Anderson:

We are going to move on because we have part of their presentation that we need to see. I see the people from Parole and Probation are also here, and we have scheduled them for today as well. I want to remind the Committee that this is not the jurisdiction of this Committee; this is going to be the specific jurisdiction of the Select Committee. I wanted you to get the overview of what was going to be happening with these two areas because of the importance of what we do on a day-to-day basis in here; we need to be aware of this. The real focus, however, of the Select Committee is these two areas: both the Department of Corrections and the Parole and Probation systems in the State. Ms. Chisel has some information that she has already researched relative to the

question that I have posed to you. She will be sharing it with me, and if there are other issues that any of you would like to bring up that are most appropriate, we can focus on those. I do not want to reschedule Parole and Probation, and we now have about 35 minutes left to go. Mr. Whorton, how would you like to proceed?

Glen Whorton:

If you like, Dorothy can provide a very quick overview of programs.

Chairman Anderson:

Let me ask my staff to find a place in our upcoming agenda for Parole and Probation. I apologize in advance that we are going to have to ask you to come back for an extremely short presentation. We will spend the rest of the morning here with this issue and with the prison system. I apologize for not informing you earlier, but I just reached that conclusion 15 minutes ago.

Dorothy Nash Holmes, Deputy Director for Correctional Programs, Nevada Department of Corrections:

I would like to mention for the new members of this Committee that we put out for the legislative session a glossary of correctional terms. Lorne Malkiewich, Director, Legislative Counsel Bureau, has a copy of that. Last time he provided it to all the new legislators, and I can do that again, if you like, because we use lingo that it will take you a whole year to catch up on it if you do not have a quick reference.

Chairman Anderson:

It would be most helpful to the members of this Committee to have that again. It might be helpful when you go before the Select Committee to have those

Dorothy Nash Holmes:

These are the areas that the programs division covers ([Exhibit G](#)). We cut some of this out from the original presentation for purposes of brevity. To give the Committee just an idea of why we do correctional programming, this is a snapshot of our prison population. More than half do not have secondary education completed when they come; almost half are not literate. Literacy is defined in Nevada as the eighth-grade level. We have high incidents of mental illness or developmental disabilities, drugs and alcohol, and lack of job training.

These are just some of the things that we have accomplished since we became a Correctional Programs Division. We took an inventory for two and a half years of all the things done in our system to define what we had as programs. We got rid of the inmate made-up programs. We had a lot of those that they have been doing for years. We came up with an inventory, we have now

established evidence-based programs, and we have trained our staff. Right now we have about 20 correctional training programs going on and do more whenever we can get a grant for that. We have 30 correctional and mental health programs, which are standardized programs with big, thick books and the social workers and mental health counselors all do the same. We have seven substance abuse treatment programs. We also incorporated an instrument to assess what the inmates' treatment and programming needs are. That is called the LSI-R. In 2003, we got \$8,400 from the Legislature to start that. They were only \$2 a test then; the price has gone up, but we continue to do those for every inmate who comes in, and we put together a correctional plan for inmates to follow during their terms of incarceration.

For women, we have expanded our therapeutic community program. When we took over the facility in 1994, there were 50 beds, and there are 70 now. We could have 100, but there is no more room there. We have a lot more need down there. Our Medical Division put together an educational program for the pregnant inmates there. We receive about 15-20 babies born in prison a year. This is a comprehensive program that includes everything from the biology of pregnancy of motherhood and childbirth to parenting skills. It is a good program. We had a two-year contract with the City of Las Vegas to come into the women's prison and do reentry services for the female inmates. It was for 100 inmates; they reached that number and their contract is over. We also started sex offender treatment for women. We previously had it in our men's prison, but we only had 25 females identified and nobody with the expertise. We now have the expertise, and we are doing that as well.

This is just a snapshot of the number of different groups and program sessions that are being held monthly in each prison. I just made this up using the December numbers, which actually are low because that was Christmas. We have also increased the religious attendance and number of religious volunteers in our system. Our staff is very active in the community now. We got that started through our reentry program called Going Home Prepared, but we have members in subcommittees on all of those issues that are shown there. Going Home Prepared was our three-year, \$1.8 million reentry grant. This is what they did in three years. What is in blue is really important. Sixty-nine percent of the most serious and violent offenders, age 14-35, who came through that program have not come back yet and did not come in parole violation. Now it is still under study, and it is part of Federal National Study as to whether or not it is an effective practice. They will be coming in to get more statistics.

Everybody got job referrals, and almost everybody received a job. A high number got their GEDs completed. We have identification documents. These are all issues that every inmate faces. Now reentry is down in Going Home

Prepared, but that is not the grant anymore. This is what the Legislature last session gave to us—four positions that were originally grant funded in our system. This is what they have done in just the six months that they have been in our system. We only have reentry staff in southern Nevada because that is where the grant positions were. We identified a few more positions within programs Division and had them start doing reentry. Right now we have no reentry services in the North. We have asked our caseworkers in each institution to start trying to get identification documents for inmates, but again that is just part of what they do.

We have had some tremendous educational gains in the last year. Look at the numbers from last year to this year—this year's numbers are in blue. We increased school attendance. We doubled the number of high school diplomas being completed and largely increased GEDs. Inmates attending college went from 400 to 560. Some of you might remember that we have one college scholarship program for inmates in the system. The federal government puts it out through the Department of Education. It is for inmates 25 and under who are getting out within five years. They can take three classes a year paid for by the grant. If they get Cs or better and maintain good status the whole time, when they get out the prison will finish paying for their college. When we took over the women's prison, we got 100 more inmates in it than what we used to have, so there are now 560 inmates in college. They are not all in a scholarship program. Some pay for college themselves.

We actually got 23 associate degrees completed last year. I think the reason that we made those educational gains is because we started prioritizing our resources. We saw that we had lifers who were never getting out of prison taking high school classes for ten years because they got credit every time they took them. They got work credit for being in school as opposed to being in work, and those were the only places where they could learn welding, construction, or auto mechanics. They would just stay in high school perpetually and never graduate. So, we took them out of school—we prioritized. Now the people who are going to school are the youngest inmates that are getting out soon; the ones who have just a little bit to go before they finish. We have encouraged them to take the GED and get it done with, then get job training. Our next step, I hope, will be to make education mandatory for everybody 21 and under. We will be talking about that with the new director.

You asked about Casa Grande, Mr. Manendo. We hired a vendor down there called Choices Group, which actually runs the drug court program in Las Vegas. They are the ones that are our programming resource at Casa Grande. Originally, we thought they would come in and just do the kind of programs that are listed there—parenting, job readiness, or whatever. We found that the most

pressing need was to get inmates jobs. So they spent, and still spend, a good part of their time getting inmates jobs, but they have been pretty successful. Out of 1,000 inmates they looked at, 900 have gotten jobs, but employment is still a huge problem because many of our inmates do not have Social Security cards. We were able to get those, but the federal government put that on hold a few months ago. Their own inspector general is doing a study of what is working or not with giving Social Security cards to inmates.

We have done everything we can to stretch our programming dollar—that is what that little picture is about. One of our staff went down to the Navy program in San Diego and we adopted NAVCON-NIC, a sex offender program. It was developed by the Navy and the National Institute of Corrections. It is in the public domain. We have been sending somebody down there for the last six months. She has adapted it to Nevada's needs to juveniles and females. We started that program in January. It changes our sex offender treatment from a 48-week program to a two-year, comprehensive evidence-based program. I am very proud of all the work that went into that.

We dumped all of our street readiness programs, and everybody at each facility was doing their own version of it. We developed one comprehensive, one had a book printed up and it is thick. It is called "New Beginnings." That is being taught in every facility. We are doing Addictions Prevention Education throughout all of the facilities now, in addition to the Drug Treatment Therapeutic committees. It became very obvious that with less than 500 treatment beds in the whole prison, we had to reach a lot more people with some level of treatments. We are doing Addiction Prevention Education with our psychologist. You do not have to be a licensed drug counselor to do that. We are putting together emotions management and parenting programs; those should be finished around April. We are working on the curriculum and buying the materials for that.

One World is a program that I discovered when I went to a conference in Florida a year ago. It is done in the United Kingdom and in Canada. It is basically to address youthful offenders involved in gang activity. It is a good program. In the U.K. they actually accredit their evidence-based correctional programs that have been proved to work. We do not do that in America. One of the programs, One World, we have acquired. The lady from Canada, Dr. Barbara Armstrong, is going to start training our staff in April. We desperately need that down in our youthful offender prison. There is another program that we are in the process of trying to acquire for the women's prison. Both of those are accredited programs internationally. We have also set up internships with eight different colleges or universities, so we have social workers, drug counselors, and psychology students coming in as interns to

augment our staff resources and to help us do our work because we do not have enough of us to do it.

This is what has happened since the Iraq War and Hurricane Katrina. When we approached the Legislature in 2005, I had almost \$2.8 million worth of grant money that we were working with from all different grant resources. It has been reduced, it has been taken away, it has been gone, and it has been taken away early. We continue to apply for grants, but the federal government has cut by more than half the number of grants. For example, on that mental health grant that we applied for to connect people getting out of prison with the drug court in Washoe County, they initially announced that they were going to issue 50 grants, then the grants solicitations were reviewed, and they cut it down to only 27 grants. The federal government has just been cutting down and down, so what we have got to do is whatever we can by our own manpower. The only thing that has increased, as I said, was our youthful offenders scholarship grants because that is based on how many people we get into college.

This is my last slide. These are our issues of concern that the Legislature will have to approach. There were two decisions out of the Nevada Supreme Court about the Psych Panel. Those decisions made the Open Meeting Law apply to Psych Panel proceedings. For many years, we have been operating both Parole Board and the Psych Panel on the understanding that that law did not apply. The Supreme Court said it did. We implemented the Open Meeting Law for Psych Panel, but it has increased our caseload and made cumbersome our procedures. There was another opinion that came down just a little while ago and we have the Attorney General's office looking at that. That opinion would increase from 200 a year to 750 the number of Psych Panel hearings we do in a year. Right now, it takes up two full-time staff members of mine two weeks of each month doing nothing but Psych Panel.

I mentioned the Social Security cards being on hold by the federal government. I want to call programming difficulties to your attention because I do not want it to be a shock when programming does not increase. We have had a real difficulty filling professional staff vacancies and it is almost impossible for some reason to find a social worker in this State anymore. We have had openings that run 6 to 24 months—it has been really difficult. I think Programs is the only division in our department in which I did not overrun my personnel costs this time, but I wish I would have. We tried. We pulled multiple lists and did multiple sets of interviews for every position—very difficult.

We do not have the space in some prisons to do the programming. Nevada State Prison is really old. There is no space there. We are doing what we can. In the women's prison, we have just run out of space. We are using

programming space for inmates to live in right now, so we do not have classrooms to actually do programs in. As the director mentioned, our staffing is very low. Both officer-wise and civilian-staff wise, it is 42nd in the country in both of those areas. We are still trying to get enough officers to keep inmates in prison and to keep control and security. Our request this budget period had to be for security officers. Our Governor's recommendation does not include new programming positions, so we are just not going to be able to do much more than what we are doing right now. I have psychologists who have a caseload of 500 to 600 inmates apiece. We have them covering multiple units with the different programs that they offer. Our cost per day is decreasing because the programming money is going down. We already have 1,000 more inmates on the books than our budget from last session actually covers.

Insufficient substance abuse treatment beds: we have been reading about meth in the newspaper. We have had a meth problem in Nevada for 20 years, and the budget has gotten worse. Now it is all over the country, so everybody is waking up to it. We recently had to terminate our contract with the vendor of the Willing Inmates in Nevada Gaining Sobriety (WINGS) Program, but we are continuing to run that Program for the next six months up north with our own staff, who happen to be in other positions, but are licensed substance abuse counselors. We are going to use it until the money runs out in June and see what happens. The federal government has not yet passed its budget for the last fiscal year. They are still operating on continuing resolutions, so we do not know what our incoming Residential Substance Abuse Treatment (RSTAT) money will be. We do not know if it will continue into the next fiscal year because they have not gotten their work done yet.

This is the ratio of our treatment beds to our individuals. As I said, we have 70 treatment beds for 1,100 females in prison, and we have 204 down south and 172 up north. That is the total number for 11,800 men in our prisons. Also, we have a program that we put together for seniors in the Northern Nevada Correctional Center. We call it Senior Structure Living, but they call it True Grit. It is for inmates 60 and older. This was printed up in the *National ACA* magazine, the December version of *Corrections Today*. We were featured as a new best-practice. We are a unique program in the country that is literally an all-day program—eight hours a day—for our senior citizens. We have a bunch of inmates 60 and older who were lying in their beds, dorm style, waiting to die. They would not get up or walk around, they were too old for jobs, and we were not having any special activities for them. They now do wheelchair calisthenics. It was in the Carson City newspaper a few months ago, and we made the front page. It concerned me because it showed a guy in a wheelchair tipped over while he was playing basketball. But they love it. Wheelchair baseball, wheelchair basketball—we have them walking around a track and

trying to do 10,000 steps a day. We have them doing finger exercises for their fingers, and arts and crafts for their arthritis. We have special programming for the sex offenders and mental-health games, such as puzzles.

We have, from Lake Tahoe, volunteers who bring their therapy dogs down once a month on a Saturday, like they do when they take them out to all the senior citizen homes in the community. The first time that happened was really touching because an inmate had been in prison for 37 years. He started petting the dog and started crying. We didn't know why. He said I have not touched a dog in 37 years, and it really made us realize the impact of that. So those dogs have had a tremendous effect. They come in and the men groom them, comb their hair, and play with them, and it had this humanizing effect. So True Grit is kind of our masterpiece program right now just because we got some good press on it. That was entirely put together by our staff; everything that has been done has been done by donations. We have some families of the True Grit members that are sending \$100 every now and then or \$200 to the Department of Corrections as a donation to the senior program so that we can buy art supplies and things. The local thrift shop FISH (Friends in Service Helping) has donated all kinds of things. A T-shirt maker even made some T-shirts and had the True Grit logo put on it—all for free. We have done what we can—we stretched our resources to the extent we can. That is the real mini-version of the programs division.

Chairman Anderson:

Ms. Holmes, as you well know, the programs that you are dealing with, for instance the educational program that is going to change behavior, which is the hardest part, I believe, of your job. Well I love to see it be as successful. I remember the time when Mr. Manendo and I were visiting one of your facilities. We were walking through with one of the wardens at Silver Springs. After we walked by, one of the inmates said, "He was my teacher." Mr. Manendo happened to be standing next to the young lady, and I turned around and came back. Indeed it was. So I was not very successful in changing her behavior; it was because of drugs or her relationship with somebody who was using drugs. In 1995, Mr. Carpenter, Mr. Manendo and I, tried to put the Drug Court programs in place, which we had a major element relative to changing the behavior inside the Department of Prisons. Putting together treatment programs and providers has remained a major concern. Yet, I know the former director had a high level of expectation for the WINGS Program, which has caused a certain level of concerns by your Department, rightfully. How are we going to change the behavior of the incarcerated population without the basic programs? They have no job experience, no life-skill experiences, and they have a drug problem—without a program. The people can not get to treatment providers in the rural areas, people who are not even incarcerated.

Dorothy Holmes:

Mr. Chairman, we are not. We had a Construction Trade's grant for two years, and we had 20 inmates in it at the time. We bought tools and it was accredited by the National Association of Homebuilders. Every inmate they got out of it got a construction-related job. Then the grant went away, and they are still working. We have got to have drug treatment. We are not saying that because the WINGS program had problems we don't need treatment—we need treatment desperately up here. We need more treatment, more programming staff, and more education.

Glen Whorton:

Mr. Horne requested an audit of the Department in terms of its program and what we deliver. My understanding as part of that audit is going to be an opportunity to compare the department to other correctional organizations. My hope is that, by virtue of that, we will have some neutral eyeballs looking at our programs, looking at what other organizations are doing and using their resources. We can have a modern comparable organization ourselves to fulfill that correctional mission because Dorothy is absolutely correct—if we do not have the resources, it is not going to happen.

Assemblyman Cobb:

You mentioned the seniors' program that has no cost to the State. You are doing it in all in donations, is that right?

Dorothy Holmes:

Yes, in terms of setting it up and the initial stuff that we need like the T-shirts and art supplies. Obviously, the day-to-day inmate costs are because we have 60 inmates in the program, and we have to feed them and keep them in beds. But it is existing staff who put it together; we did the best we could with what we had. The issue with programs is never getting them designed and getting them started, it is sustaining them. We have always funded; we never had a Programs Division until 2003, and we never started writing a grant in this Department until about 2000. We had about \$6 to \$7 million worth of grants in five years, and now they have dropped to the end of the Earth. This last session of the Legislature, all of you were very gracious and gave me, for my Division, the four reentry positions, which have done a tremendous amount of good. You have collected into our division the 11 Oasis Drug Treatment positions down south because we knew that the federal grant money for drug treatment was going down. That was tremendous, and I am ever so grateful that you did that, but we can only do what we can. With one vocational training instructor, I could start that Construction Trade Program up again. We have to fund correctional officers and everything first. It has got to be a partnership. It used to be that our big concern was just security in this

department. Now programs are as prominent, and we balance security with programs. I think in the last years, our officers have realized that programs make them safer because programs make the inmates more occupied, more productive, and more successful. We just have to put the money into it to get what we can do. We have to do it in a way that is sustainable.

Assemblyman Cobb:

Above and beyond your average operating cost, what is the cost of the seniors' program to the State?

Dorothy Holmes:

We have about \$2,000 worth of donations, and we have used up all of that right now. In fact, I got a call from Fiscal yesterday stating that we are at \$20. We set it up to getting art supplies and T-shirts, and as I said, much was donated. We started that program with just our basic \$2,000-worth of donations.

Assemblyman Cobb:

So there is no personnel cost, operating cost, or anything like that?

Dorothy Holmes:

I have a full-time psychologist who works in there. We have a social worker intern from the University working there. We have a volunteer who was working full-time in there and now she works about half-time. For a while we were paying an inmate to do some work in the unit, keeping the art supplies and everything together. There are the regular operating costs of the department for the individuals that are assigned to that program. There are the staffs that come in and do the mental health programs and things. Those are our regular operating costs within the Programs Division.

Assemblyman Cobb:

Okay, so what is that cost? Above and beyond your average cost that you have—your ordinary cost for the seniors' program—if you are talking about personnel?

Dorothy Holmes:

Well, I have not broken down our costs for the 60 inmates in that program. I can do that for you probably by the end of the day.

Assemblyman Cobb:

That would be great, thank you.

Dorothy Holmes:

I will do that.

Chairman Anderson:

I want to make sure that I understand what Mr. Cobb is driving at. My interpretation, Ms. Holmes, is that you would like those staff individuals at the prison in other work regardless of whether the senior program was there or not.

Dorothy Holmes:

Yes, Mr. Chairman. We started with 59 positions that were in different divisions—Medical Division and others—and we gather them together. So we created the Programs Division out of nothing new—it was all existing. We got additional resources because we opened two more prisons. We have 11 positions for women and 13 for men, so we are about 83 staff now in the Programs Division. We do all of the out-patient mental-health treatment, all of the correctional programming, all the drug counseling, all of that for all the inmates in all the facilities. Our particular cost per inmate, if you divide the Programs Division budget, by the number of inmates in the prison system for FY 2007 it is about \$507 per inmate for correctional programming.

Chairman Anderson:

Per year?

Dorothy Holmes:

Per year. That is going down. If the WINGS Program money does not get replaced, it will be less than that now.

Chairman Anderson:

In providing the information to Mr. Cobb, would you similarly provide that to Ms. Chisel, in case there are other people on the Committee who may have a similar question?

Assemblyman Segerblom:

What do you mean they cannot get Social Security numbers?

Dorothy Holmes:

The majority of our inmates come to prison without identification or with somebody else's identification. In order for them to go out of prison and go to work right away, they have to have Social Security cards, duplicate cards. So in order for them to get a Social Security card, you have to have two forms of other identification--usually a State identification or driver's license. We are trying to get them duplicate cards. In order to do that, we have to get other forms of identification. We have to get a certified birth certificate, and if they

have a marriage license or passport, we have them bring that in, but few do. So that is what it is, Social Security cards.

Assemblywoman Allen:

I have a follow-up on Mr. Segerblom's question. You indicated earlier that the federal government is not issuing lost Social Security cards, but you did not indicate why? Is that a homeland security concern?

Dorothy Holmes:

They had a process in place, the Social Security Administration, to issue duplicate cards. They told us what kind of information we needed, what kind of identification, what kind of forms, and all that. We had to enter a Memorandum of Understanding (MOU) with each local office that issues Social Security cards. The feds decided to study that countrywide to see if it's working and if everybody is following the rules. So they put a halt on it, and their inspector general did a study of all the prisons in all of the Social Security offices. They have completed that study. They found that there are very few problems; the problems were things like Social Security not coming in once a year to check our paperwork, and it was a procedural problem. But they have not started it up again. They are only continuing to issue Social Security cards in offices where there is an MOU that was signed prior to that time. We had one MOU signed for the South, for our Going Home Prepared reentry program because Social Security was one of the partners in that grant. For the rest of the State, our MOU was in Washington, D.C., being considered at the time they put the hold on it. We can issue Social Security cards out of southern Nevada for a small group of the population; we cannot get them out to the rest of the State yet. The feds have not restarted the program yet.

Chairman Anderson:

Ms. Allen, let me help you a little bit with this particular issue. The Cyber Crime Task Force, which I get a chance to sit on, also deals with the issues of Social Security numbers. Nevada has had a long history of not wanting to use Social Security cards in drivers' licenses and other documents of legal nature. We have asked for them to be removed from many State documents. It is beginning to cause great concern to many agencies and government including the court system. The Central Criminal History Repository, which likes to have a common number to track all of us, in terms of national security, are arguing about these very issues. The projected cost of that for the DMV, I believe it is 2008 when that has to be implemented, is going to be an ongoing question both for this and next legislative session. I think the Social Security number question is one that we are all going to learn yet again from a new perspective because of the overlap of issues.

Assemblyman Carpenter:

Did I hear that there were maybe 2,400 inmates whose status was being questioned? What happens if you find out that they are illegal? Do they have to serve their sentence and are then sent back?

Glen Whorton:

Because that communication back and forth is with Homeland Security and Immigration and Customs Enforcement (ICE), they are aware of these individuals. We have working agreements with them. Actually, our notification to ICE begins at the time of intake, and they begin trying to establish who these individuals are and their statuses. In many cases there are immigration holds placed against these folks, and they will have to appear before an immigration judge, if they have not already done so. Sometimes those immigration judges will either come into the institutions or will hold hearings by video conferencing with these individuals to establish what is going to happen with them subsequent to their incarceration. That process is ongoing throughout the Department every day.

Assemblyman Carpenter:

Are some of them deported then?

Glen Whorton:

Yes, sir.

Chairman Anderson:

This is part of the informational process for the Committee; therefore, we did not put a comment section down for today. I understand somebody from Las Vegas wants to make a comment about the audit. Who wants to get in the record?

Lee Rowland, Staff Attorney, American Civil Liberties Union:

I realize this is a new informational meeting, so I will keep this brief. I do intend my remarks to be in the spirit of informational equity. For those of you who do not know, some of you were on the Assembly Concurrent Resolution No. 17 of the 73rd Session Committee; these remarks will not be new. I did want the members of this Committee to know that the American Civil Liberties Union (ACLU) of Nevada has conducted well over 100 interviews with female inmates at the Southern Nevada Women's Correctional Institution in regard to the incredible volume of complaints that we received from inmates about substandard medical care and specifically prescription availability. I would just like to note that, obviously, these audits are more fiscal in nature, and there is clearly a human cost. The negative sides of the audit that was mentioned earlier today, we have certainly seen that. I thank Assemblywoman Gerhardt

for her question about grievances, etcetera, from inmates. We have done much work in reviewing those, and we have indeed compiled a good bit of that information and submitted it to the ACLU's National Prison Project, which at this point is severely concerned about the state of medical care that is being offered in the state prisons and whether or not it is constitutionally adequate. Although we have laid the ground work for potential litigation should that be necessary to fix these problems, nonetheless. I have come repeatedly to the A.C.R. No. 17 of the 73rd Session Committee meetings, and I am intending to be at these and the Select Committee's meetings to be available for questions to give any information from an inmate point of view that might be helpful. I do want to point out just a view trends that were repeated by dozens of inmates to the degree...

Chairman Anderson:

I do want to indicate to you to be very brief since this is not going to be a jurisdictional question, but I do appreciate you raising the concerns. If I could limit your time?

Lee Rowland:

Basically, the two main trends that I would note are prescription availability with regards to mental health care. The delays that have been caused by medication delivery because of the centralization of the pharmacy have taken an extremely heavy toll, especially in the area of mental health. The efficacy of mental health medications depends on regular provision and monitoring of certain dosages and particular medications. We have found that, on top of the fact that that affects inmates' mental health, it also affects prison discipline and cost. These are people who when they don't receive those prescriptions can be unstable become a security risk, end up in segregation, and sometimes end up needing to go to outside hospitals for care, which as your audit mentions, is an extraordinarily inefficient use of resources.

The second thing that I would note is about medical preferences. I know there were some questions about whether, if outside doctors prescribe medications, could people continue on those same medications. We found that, time and time again, people with successful decades long history of mental health medication were taken off those medications in favor of cheaper medications that were not medically appropriate. It did again lead to severe disciplinary and medical issues.

So, those are the two main themes that we have found. Although this audit focuses on the fiscal outlook, the human cost is very real and it is very concerning. They indeed have some constitutional dimensions. We are working with our National Prison Project to fix those problems in whatever way that we

can, sooner rather than later. I just want to make this Committee aware that, in addition to the fiscal issues, there are a number of legal issues in terms of the provision of medical services to inmates. Again, thank you for the time, and my office staff will be here on specific bills and we are available should anyone like to hear any of the information that we have gathered in those interviews.

Chairman Anderson:

I know that the ACLU continues to be concerned about those constitutional rights to which we all subscribe. I think the question about the information that you have gathered and have already shared at previous hearings, the ones that will be necessary for the Select Committee to hear. I am sure that you will bring those up. I would point out that this Committee does not have jurisdiction to hear audits. The purpose of the fiscal year audit is to bring us in front of a policy committee to address the human side of the consequences. The money question follows programs and whether they are there or not and how much they are really costing us.

We often ask for things that we are not willing to buy or spend sufficient dollars on. So I appreciate the watchdog responsibility the ACLU is trying to take for the individuals who are incarcerated and recognizing that citizens of the country do not give up their human rights by entering the correctional facilities here.

[The meeting adjourned at 11:21am]

RESPECTFULLY SUBMITTED:

Doreen Avila
Committee Secretary

APPROVED BY:

Assemblyman Bernie Anderson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: February 7, 2007

Time of Meeting: 8:04 a.m.

Bill	Exhibit	Witness / Agency	Description
	A	Committee	Agenda
	B		Attendance Roster
	C	Paul Townsend, Legislative Auditor, Audit Division, Legislative Counsel Bureau	Audit of the Department of Corrections, Inmate Medical Services
	D	Paul Townsend, Legislative Auditor, Audit Division, Legislative Counsel Bureau	Audit of the Department of Corrections, Administration
	E	Paul Townsend, Legislative Auditor, Audit Division, Legislative Counsel Bureau	Audit of the Department of Corrections, Offender Trust Accounts
	F	Glen Whorton, Director, Nevada Department of Corrections	PowerPoint presentation on the State of Nevada, Department of Corrections
	G	Dorothy Nash Holmes, Deputy Director Correctional Programs, Department of Corrections	Handout on programs for Elderly Inmates